	Case 1:24-cv-00933-JLT-SAB Document	t 18 Filed 01/31/25 Page 1 of 2
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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	MICHAEL OWEN GARDNER,	Case No. 1:24-cv-0933 JLT SAB (PC)
12	Plaintiff,	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS IN FULL, DISMISSING CERTAIN CLAIMS AND DEFENDANTS, AND DIRECTING THE CLERK OF COURT TO UPDATE THE DOCKET
13	v.	
14	CDCR, et al.,	
15	Defendants.	(Doc. 17)
16		(= 333 - 17)
17	Michael Owen Gardner seeks to hold the defendants liable for violations of his civil rights	
18	while housed at the Substance Abuse Treatment Facility- Corcoran. (See generally Doc. 14.)	
19	The magistrate judge screened Plaintiff's amended complaint pursuant to 28 U.S.C. § 1915A(a),	
20	and found Plaintiff stated cognizable claim against Defendants Hyatt, Alvardo, Geels, Guzman-	
21	Ramirez, Guillen, Torres-Rocha, D. Martinez, and Melero for deliberate indifference to safety	
22	against. (Doc. 15 at 3-5.) However, the magistrate judge found Plaintiff's claims against Warden	
23	Phillips and the California Department of Corrections and Rehabilitation are not cognizable. (<i>Id.</i>	
24	at 5-7.) The Court granted Plaintiff an opportunity to file an amended complaint, or to notify the	
25	Court of his willingness to proceed on the cognizable claims. (<i>Id.</i> at 8-9.) In response to the Screening Order, Plaintiff requested "to proceed on the claim against	
26	In response to the Screening Order, Plaintiff requested "to proceed on the claim against those Defendants[] that the Court found cognizable," and requested the Court update the docket.	
27 28	(Doc. 16 at 1.) After receiving Plaintiff's notice, the magistrate judge issued Finding and	
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Case 1:24-cv-00933-JLT-SAB Document 18 Filed 01/31/25 Page 2 of 2 Recommendations, incorporating the prior findings and recommending the action proceed only on the cognizable claim identified. (Doc. 17 at 1-2.) In addition, the magistrate judge also recommended all other claims and defendants be dismissed. (*Id* at 2.) The Court served the Findings and Recommendations on Plaintiff and notified him that any objections were due within 17 days. (Doc. 17 at 2.) The Court advised Plaintiff that "the failure to file objections within the specified time may result in the waiver of rights on appeal." (Id., citing Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file objections, and the time to do so has passed. According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case. Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**: 1. The Findings and Recommendations dated January 6, 2025 (Doc. 17) are **ADOPTED** in full. 2. This action **SHALL** proceed only on Plaintiff's deliberate indifference claim against Defendants Hyatt, Alvardo, Geels, Guzman-Ramirez, Guillen, Torres-Rocha, D. Martinez, and Melero. 3. All other claims and defendants are **DISMISSED**. 4. The Clerk of Court is directed to update the docket. 5. The matter is referred to the magistrate judge for further proceedings. IT IS SO ORDERED.

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Dated: **January 31, 2025**

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